

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KAREN MICHELE SALA MICHAELS,)	
Plaintiff)	
)	
v.)	C.A. NO. 10-cv-11471-MAP
)	
WELLS FARGO HOME MORTGAGE,)	
a Division of WELLS FARGO)	
BANK, N.A.,)	
Defendant)	

ORDER RE: PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION
(Dkt. No. 11)

November 24, 2010

PONSOR, U.S.D.J.

After hearing in open court on November 19, 2010, Plaintiff's Motion for Preliminary Injunction (Dkt. No. 11) was ALLOWED. The reasons for the court's ruling were set forth orally but may be summarized as follows. Plaintiff has demonstrated a marginal likelihood of success on the merits. In addition, however, the overwhelming evidence demonstrates that, absent issuance of the injunction, Plaintiff will suffer irreparable harm, that the harm to her outweighs any harm to Defendant, and that considerations of public policy favor her.

Based on the foregoing, the court ordered as follows:

1. Defendant is enjoined from proceeding with the planned foreclosure on Plaintiff's property scheduled for November 26, 2010, and Defendant is

further prohibited pending further order of this court from proceeding with any foreclosure proceedings whatsoever against Plaintiff's property.

2. Plaintiff will continue to make payments on her existing mortgage into escrow. She may pay any pending real estate tax or insurance bill on the property out of the escrow funds currently in the possession of her lawyer.

At the conclusion of the hearing, the court advised counsel to work carefully together to insure an accurate and complete exchange of documents on both sides. In the event that either side is concerned about the completeness of this discovery, an appropriate motion may be filed. Counsel for both parties should work with vigor and resourcefulness to frame an arrangement that will, if at all possible, permit Plaintiff and her daughter to continue to live in her house.

The clerk will move the hearing on Defendant's Motion to Dismiss from February 15, 2011 to a date in January.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge